

TUESDAY, JUNE 25, 2002

NINETY-THIRD LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Sherman Tribble, New Vision Baptist Church, Nashville, Tennessee.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cooper; illness.

Representative Rhinehart; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 884: Rep(s). Walker, Dunn, Sharp, Curtiss, Hagood, Bittle, Wood, Sargent, Davidson, McDonald, Garrett and Montgomery as prime sponsor(s).

MESSAGE FROM THE SENATE

June 25, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3211 and 3242; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 3211 -- Hardin County - Subject to local approval, deletes provision that county clerk is clerk responsible for probate and administration of estate matters rather than clerk and master and directs county clerk to transfer all probate related files to clerk and master by August 1, 2002. Amends TCA Section 16-16-201. by *Wilder. (*HB3237 by *Rinks)

Senate Bill No. 3242 -- Rossville - Subject to local approval, rewrites charter. Amends Chapter 78 of the Private Acts of 1991; as amended. by *Wilder. (HB3295 by *Fitzhugh)

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Langster was recognized in the Well with members of the Davidson County delegation to introduce members of the Lamar Advertising Company in occasion of their 100th anniversary.

RESOLUTION READ

The Clerk read House Joint Resolution No. 1158.

House Joint Resolution No. 1158 -- Memorials, Recognition - Lamar Advertising Company. by *Langster, *Jones U (Shelby), *Rinks, *Head, *Armstrong, *Pruitt, *Briley, *Garrett, *Jones, S., *Arriola.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 25, 2002:

House Joint Resolution No. 1172 -- Memorials, Recognition - John Wade Tucker. by *Phelan.

House Joint Resolution No. 1173 -- Memorials, Retirement - Ruth "Tootsie" Young. by *Buck.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 25, 2002:

Senate Joint Resolution No. 884 -- Memorials, Congratulations - Steven Matthew Nalley. by *Cohen.

Senate Joint Resolution No. 885 -- Memorials, Death - Paul Redick. by *Blackburn.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 3211 -- Hardin County - Subject to local approval, deletes provision that county clerk is clerk responsible for probate and administration of estate matters rather than clerk and master and directs county clerk to transfer all probate related files to clerk and master by August 1, 2002. Amends TCA Section 16-16-201. by *Wilder. (*HB3237 by *Rinks)

Senate Bill No. 3242 -- Rossville - Subject to local approval, rewrites charter. Amends Chapter 78 of the Private Acts of 1991; as amended. by *Wilder. (HB3295 by *Fitzhugh)

***Senate Bill No. 3244** -- Gatlinburg - Subject to local approval, authorizes hotel motel tax to be increased from 3 percent to up to 5 percent of consideration charged to transients. Amends Chapter 200 of the Private Acts of 1978. by *Clabough. (HB3287 by *McCord, *Montgomery)

Senate Bill No. 3245 -- Pigeon Forge - Subject to local approval, increases gross receipts tax from 1 percent to 2 percent. Amends Chapter 808 of the Public Acts of 1976. by *Clabough. (HB3288 by *Montgomery, *McCord)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3297 -- Shelby County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 25, 2002**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2995, Senate Joint Resolution(s) No(s). 857, also House Bill(s) No(s). 2569 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 65 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CAPTION BILLS REFERRED

June 25, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1323 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1323 -- Victims' Rights – House Finance, Ways and Means Committee

CONSENT CALENDAR

House Joint Resolution No. 1172 -- Memorials, Recognition - John Wade Tucker. by *Phelan.

House Joint Resolution No. 1173 -- Memorials, Retirement - Ruth "Tootsie" Young. by *Buck.

Senate Joint Resolution No. 884 -- Memorials, Congratulations - Steven Matthew Nalley. by *Cohen.

Senate Joint Resolution No. 885 -- Memorials, Death - Paul Redick. by *Blackburn.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 1471** -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Haun, *Person. (HB884 by *Head, *Newton, *Langster, *Kent, *Cole (Carter), *Patton, *Ford S, *Whitson, *Davis (Cocke), *Turner (Hamilton))

Further consideration of Senate Bill No. 1471 previously considered on May 24, 2001, May 31, 2001, June 4, 2001, June 11, 2001 and June 19, 2002, at which time it was reset for today's Calendar.

Rep. Head moved that Senate Bill No. 1471 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3.

Rep. McDonald moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Beavers moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. McDonald moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. McDonald moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Head moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. McDonald moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. McDonald moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. McDonald moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Head moved adoption of Amendment No. 12 as follows:

Amendment No. 12

AMEND Senate Bill No. 1471 by deleting the first sentence of subdivision (4) of the amendatory language of SECTION 4 and substituting instead the following:

For the purpose of determining the value of early assessment and treatment, the department of health may establish a pilot program in Shelby County for a total of up to fifty (50) residents of Shelby County who violate their DUI probation with a subsequent DUI arrest.

FURTHER AMEND by adding the following language to the end of subdivision (4) of the amendatory language of SECTION 4:

Provided, however, no funds from the alcohol and drug addiction treatment fund established in subsection (c)(2) of this section shall be used for the Shelby County early assessment and treatment pilot program authorized by this subdivision unless an improvement request is included in the Appropriations Act enacted by the 2002 General Assembly.

On motion, Amendment No. 12 was adopted.

Rep. Head moved that **Senate Bill No. 1471**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2518 -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by *Crutchfield. (*HB2431 by *Brown)

Further consideration of Senate Bill No. 2518 previously considered on June 24, 2002, at which time it was reset for today's Message Calendar.

Rep. Brown moved that Senate Bill No. 2518 be reset for the Message Calendar on June 26, 2002, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 572** -- Education - Requires prior approval of general assembly before special education folders may be modified. Amends TCA Title 49, Chapter 10. by *Bunch, *Pleasant. (SB934 by *McNally)

Further consideration of House Bill No. 572 previously considered on June 24, 2002, at which time it was reset for today's Message Calendar.

CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 572

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 572 (Senate Bill No. 934) has met and recommends that the following amendments be adopted:

Senate Amendment No. 2

The Committee further recommends that the following amendments be deleted:

House Amendment No. 1
Senate Amendment No. 1

/s/	Senator Randy McNally	Representative Gene Davidson
	Senator JoAnn Graves	Representative Mark Maddox
	Senator Larry Trail	Representative Dwayne Bunch

Rep. Bunch moved that the Report of the Conference Committee on **House Bill No. 572** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	93
Noes	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Brooks, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

ANNOUNCEMENTS

CONFERENCE COMMITTEES APPOINTED

The Speaker appointed Representatives Overbey, Turner (Davidson), Hargrove, Sargent and White as the House members of the Conference Committee on House Bill No. 2093.

The Speaker appointed Representatives Patton, Maddox, Bowers, Bunch and J. DeBerry as the House members of the Conference Committee on House Bill No. 2476.

The Speaker appointed Representatives Bunch, Cole (Dyer), Maddox, McDaniel and Fitzhugh as the House members of the Conference Committee on Senate Bill No. 2457.

The Speaker appointed Representatives Davis (Washington), Winningham, Shaw, Maddox and Davis (Cocke) as the House members of the Conference Committee on Senate Bill No. 2599.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 102: Rep(s). Turner (Davidson) as prime sponsor(s).

House Bill No. 1893: Rep(s). Patton as prime sponsor(s).

House Bill No. 2951: Rep(s). Bowers as first prime sponsor(s).

House Bill No. 2951: Rep(s). McDaniel and L. DeBerry as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Rinks was/were removed as sponsor(s) of **House Bill No. 2951**.

On motion, Rep(s). Brown was/were removed as sponsor(s) of **House Bill No. 2995**.

MESSAGE FROM THE SENATE

June 25, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3286 and 3293; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 25, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1165; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE GOVERNOR

June 25, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 592, 1105, 1106, 1113, 1114, 1115, 1116, 1117, 1118, 1120, 1121, 1122, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1133, 1134, 1135, 1136, 1137, 1138, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1148, 1149 and 1150, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

June 25, 2002

MR. SPEAKER: I am directed to return to the House, House Bill No. 1416.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1 then repassed the bill on third and final consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

June 25, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1172 and 1173.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

June 25, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1266, 1416, 2613, 2651, 3286, 3293; also, House Joint Resolution(s) No(s). 1165.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 25, 2002

The Speaker signed the following: House Bill(s) No(s). 1266, 1416, 2613, 2651, 3286, 3293; also, House Joint Resolution(s) No(s). 1165.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 25, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1266, 1416, 2613, 2651, 3286, 3293; also, House Joint Resolution(s) No(s). 1165; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 25, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1708; also, Senate Joint Resolution(s) No(s). 643, 852, 853, 854, 855, 856, 858, 859, 860, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 878, 879, 880, 881, 882, 883, 884 and 885 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

June 25, 2002

The Speaker signed the following: Senate Bill(s) No(s). 1708; also, Senate Joint Resolution(s) No(s). 643, 852, 853, 854, 855, 856, 858, 859, 860, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 878, 879, 880, 881, 882, 883, 884 and 885.

REPORT OF CHIEF ENGROSSING CLERK

June 25, 2002

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1266, 1416, 2613, 2651, 3286, 3293; also, House Joint Resolution(s) No(s). 1165.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 10:00 a.m. on Wednesday, June 26, 2002.